

**Indiana Real Estate Commission  
October 2, 2019  
Minutes**

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**I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

Chairperson, Doug Rose called the meeting to order at **8:52 a.m.** in Conference Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

**Commission Members Present: Roll Call**

Sue Cox  
Paul Boyter  
Charles (Charlie) W. Shook  
Pam Lumley  
Doug Rose, Chairperson  
Sahara Williams  
John Briscoe  
Jack McCombs, Vice Chairperson

**Commission Members Absent:**

James Litten

**State Officials Present:**

Deanna Alexander, Director, Indiana Professional Licensing Agency  
Toby Davis, Assistant Director, Indiana Professional Licensing Agency  
Nate Black, Compliance Officer, Indiana Professional Licensing Agency  
James Schmidt, Commission Advisory Council, Office of the Attorney General  
Travis Lovett, Commission Advisory Council, Office of the Attorney General

**Transcriptionist:**

Robin P. Martz – Stewart Richardson Deposition Services

**II. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

**8:52 a.m.**

**III. APPROVAL OF MINUTES OF THE AUGUST 28th, 2019 MEETING OF THE COMMISSION**

**Was first and seconded to amend the August minutes.**

**A motion was made and seconded to approve the minutes from the August 28, 2019 meeting.**

Boyter/Briscoe  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Sahara Williams	✓	

**IV. INDIANA ATTORNEY GENERAL'S OFFICE REPORT**

Jenifer Barth, presented the Attorney General's report.

**V. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT**

REEAC, Tim Reed presented the Real Estate Education Advisory Council Report.

**A motion was made and seconded to Approve the REEAC recommendations.**

Boyter/Briscoe  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**VI. PERSONAL APPEARANCES**

**9:00 a.m.**

**VII. ADMINISTRATIVE HEARINGS**

**9:00 a.m.**

**A. IN THE MATTER OF THE LICENSE OF: Patsy Hill**  
2018 IREC 0002  
Re: Probation Withdrawal

Leif Johnson, Attorney General

Respondent: Patsy Hill  
Attorney: No Attorney present

**A motion was made and seconded to approve withdrawal from probation.**

Boyer/Cox  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**B. IN THE MATTER OF THE LICENSE OF: Clark Klemme**  
2017 IREC 0018  
Re: Probation Withdrawal

Jennifer Barth, Attorney General  
Witness – Deanna Alexander

State Exhibits – A

Respondent: Clark Klemme  
Attorney: No Attorney present

**A motion was made and seconded to Deny Probation withdrawal.**

Cox/Boyter  
5/3

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook		✓
John Briscoe		✓
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams		✓

**C. IN THE MATTER OF THE LICENSE OF: WebCE**  
2019 IREC 0021  
Re: Appeal

Respondent: WebCE  
Attorney: No Attorney present

A motion was made and seconded to issue a notice of proposed dismissal.

Boyter/Cox  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**D. IN THE MATTER OF THE LICENSE OF: Melissa McClendon**

2018 IREC 0013  
Re: Extension of Summary Suspension

Leif Johnson, Attorney General  
Witness: Jaclyn Meza

Respondent: Not present  
Attorney: No Attorney present

**A motion was made and seconded to Extended Summary Suspension for an additional 90 days.**

McCombs/Cox  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS**

**A. IN THE MATTER OF THE LICENSE OF: Cathy Hunnicutt**  
2019 IREC 0007  
Re: Administrative Law Judge Panel's Order

**A motion was made and seconded to Affirming and acknowledging the Proposed Findings of Facts, Conclusions of Law and Order.**

Briscoe/McCombs  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	

Pam Lumley	✓
Charles (Charlie) W. Shook	✓
John Briscoe	✓
Doug Rose	✓
Jack McCombs	✓
Sahara Williams	✓

**B. IN THE MATTER OF THE LICENSE OF: Zachary Meyer**

2018 IREC 0030

Re: Administrative Law Judge Panel’s Order

**A motion was made and seconded to Affirming and acknowledging the Proposed Findings of Facts, Conclusions of Law and Order.**

Williams/Boyter  
8/0

The following Board Members Voted                      “Aye”    “Nay”

Paul Boyter	✓
Sue Cox	✓
Pam Lumley	✓
Charles (Charlie) W. Shook	✓
John Briscoe	✓
Doug Rose	✓
Jack McCombs	✓
Sahara Williams	✓

**C. IN THE MATTER OF THE LICENSE OF: Daniel Brouillette**

2019 IREC 0016

Re: Proposed Findings of Fact

**A motion was made and seconded to Affirming and acknowledging the Proposed Findings of Facts, Conclusions of Law and Order.**

Shook/Boyte  
6/1

The following Board Members Voted                      “Aye”    “Nay”

Paul Boyter	✓
Pam Lumley	✓
Charles (Charlie) W. Shook	✓



**A motion was made and seconded to accept her withdrawal of reinstatement here expired license.**

Cox/Williams  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**B. Marilyn Brown**

Re: Reinstatement – No to CE on Instructor License Renewal

**A motion was made and seconded to issue a Notice of Non Compliance, require her to make up the 12 hours of instructor CE. Marilyn Brown will have 6 months to make up her CE and submit. License will remain expired until received.**

Shook/Cox  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**C. Rita Jackson**

Re: Wanted an extension on CE and not waiver that was previously denied.

**A motion was made and seconded to Grant the extention to July 17, 2019.**

Shook/Boyter  
6/2

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose		✓
Jack McCombs	✓	
Sahara Williams		✓

**D. Emergency rules regarding Criminal Convictions**

- Real Estate Appraiser Licensure and Certification Board

**A motion was made and seconded to adopt the Emergency rules regarding Criminal Convictions.**

Boyter/McCombs  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**E. Rule Readoption – LSA # 19-192**

- Real Estate Appraiser Licensure and Certification Board

**A motion was made and seconded to adopt the Rule Re-adoption.**

McCombs/Boyter  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**F. A Prime Real Estate Corp, LLC, Joshua Lybolt, and Magdalena Lybolt**  
2019 IREC 0022

Re: Discuss Summary Suspension of Managing broker, Tim Reed – trustee

**A motion was first and seconded to Summary Suspend A Prime Real Estate Corp, LLC d/b/a Life Style for a maximum of 90 days until the Commission has received proof of the company to appoint a trustee, and we appoint Commission Doug Rose to review the proof of a trustee once they have submitted it and to determine whether to terminate the Summary Suspension of the Company.**

Shook/Boyter  
2/4

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter		✓
Pam Lumley		✓
Charles (Charlie) W. Shook	✓	
John Briscoe		✓
Jack McCombs		✓
Sahara Williams	✓	

Sue Cox and Doug Rose has abstained from the vote as they were not here to hear the evidence. The following members continued to take part in the hearing: Paul Boyter, Jack McCombs, John Briscoe, Charlie Shook, Sahra Williams and Pam Lumley.

**A motion was made and seconded to make the changes suggested by counsel for paragraph 19. "The authority of Ind. Code 25-34.1-4-5© is only invoked by the death**

of a sole proprietor, the termination of a broker company, or the expiration, revocation, or suspension of a broker company license. However, Reed has agreed to act as a volunteer in this compacity which is not a legaly binding agreement.

Lumley/Briscoe  
5/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Jack McCombs	✓	

Sue Cox, Doug Rose and Sahra Williams has obstained from the vote as they were not here to hear the evadence. The following members continued to take part in the hearing: Paul Boyter, Jack McCombs, John Briscoe, Charlie Shook and Pam Lumley.

#### G. Seller Disclosure Form

- Sahara's Comments
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It was decided by the Commission is Tabeling until the next meeting.

#### XII. Broker CE Audit Review

**John Briscoe has left the meeting @ 12:31 PM**

##### A. Michael Moore

Re: Correction of Notice of Non-Compliance

**A motion was made and seconded to assess the civil penalty of \$333.33 and accept his CE. Issue a revised Notice of Non-Compliance.**

Shook/Boyter  
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	

Doug Rose	✓
Jack McCombs	✓
Sahara Williams	✓

**B. James Bardes**  
Re: CE Audit Review

**A motion was made and seconded to assess the civil penalty of \$333.33 and require him to make up the 12 hours for the CE period 2016/2017. Issue a revised Notice of Non-Compliance.**

Shook/Boyer  
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**C. John Diamond**  
Re: CE Audit Review

**A motion was made and seconded to assess the civil penalty of \$333.33 and require him to make up the 12 hours for the CE period 2014/2015. Issue a revised Notice of Non-Compliance.**

Shook/Boyer  
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	

**D. Aaron Clark**

Re: Correction of Notice of Non-Compliance

**A motion was made and seconded to assess the civil penalty of \$666.67 and require him to make up the 24 total CE hours for periods of 2014/2015 and 2015/2016. Issue a revised Notice of Non-Compliance.**

Shook/McCombs

7/0

The following Board Members Voted

“Aye” “Nay”

Paul Boyter	✓
Sue Cox	✓
Pam Lumley	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
Jack McCombs	✓
Sahara Williams	✓

**XIII. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 12:41 p.m.

**Next Meeting:  
November 13, 2019  
W064**

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Doug Rose, Chairman